

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

NIKO S. SIMMONS,

Plaintiff,

Case No. 1:14-cv-1242

v.

Honorable Paul L. Maloney

BLAINE LAFLER et al.,

Defendants.

AMENDED ORDER FOR PARTIAL DISMISSAL
and PARTIAL SERVICE

In accordance with the Amended Opinion filed this date:

IT IS ORDERED that Plaintiff's action against Defendants Lafler, Tabor, Klatt, Curtin, and Brinkley, and all claims concerning events occurring prior to August 2011, be **DISMISSED WITH PREJUDICE** for failure to state a claim pursuant to 28 U.S.C. §§ 1915(e) and 1915A, and 42 U.S.C. § 1997e(c), because they are barred by the statute of limitations.

IT IS FURTHER ORDERED that Plaintiff's request for preliminary injunctive relief (taken from the complaint) is **DENIED**.

IT IS FURTHER ORDERED that the Clerk shall forward the complaint to the U.S. Marshals Service, which is authorized to mail a request for waiver of service to Defendant Rogers and

Corizon¹ in the manner prescribed by Fed. R. Civ. P. 4(d)(2). If waiver of service is unsuccessful, summons shall issue and be forwarded to the U.S. Marshals Service for service under 28 U.S.C. § 1915(d).

IT IS FURTHER ORDERED that Defendants Corizon and Rogers shall file an appearance of counsel within 21 days of service or, in the case of a waiver of service, 60 days after the waiver of service was sent. Until so ordered by the Court, no Defendant is required to file an answer or motion in response to the complaint, and no default will be entered for failure to do so. *See* 42 U.S.C. § 1997e(g)(1). After a Defendant has filed an appearance, proceedings in this case will be governed by the Court's Standard Case Management Order in a Prisoner Civil Rights Case.

Dated: April 17, 2015

/s/ Paul L. Maloney

Paul L. Maloney
Chief United States District Judge

¹The Court liberally construes the complaint as naming Corizon (successor to Prison Health Services and Corrections Medical Services) as a Defendant, in place of Prison Health Services and Corrections Medical Services.